

Akinpelu 2003-0250

Remarks

Reconsideration of pending claims 11 – 20 is respectfully requested.

In the Office action dated November 18, 2008, the Examiner rejected all pending claims under 35 USC §§ 112, second paragraph and 103(a). The Examiner's separate rejections will be discussed below in the order appearing in the Office action.

35 USC § 112, second paragraph Rejection – Claim 11

Claim 11 was rejected by the Examiner under 35 USC 112, second paragraph with respect to the use of the phrase “the separate” in line 6. In response, applicants have removed the term “the” from line 6. With this amendment, applicant believes that claim 11 is allowable.

35 USC § 103(a) Rejection – Claims 11-16 and 18

The Examiner next rejected pending claims 11-16 and 18 under 35 USC 103(a) as being unpatentable over US Patent 6,973,269 (Britz). In response, applicant asserts that Britz does not disclose or suggest an arrangement for “packetizing and aggregating separate voice, data and video traffic streams from the customer into a single traffic stream”, as required by independent claim 11. The Examiner refers to node 535 of Britz as equivalent to this functionality. Node 535 of Britz, however, is directed to aggregating traffic from multiple customers and sending the aggregated data upstream. There is no teaching in Britz of providing “business premises equipment” including the ability to aggregate the various traffic streams into a single stream. The Examiner also referred to a Girard reference (US Patent 7,283,519) as teaching a method of aggregating different types of traffic onto a single output line. However, while Girard teaches the creation of different types of traffic at a single customer location, the streams are not aggregated onto a single traffic stream; rather, the various types of traffic are directed to different destinations in Girard (e.g., third party media services, PSTN gateway, packet transport network).

Akinpelu 2003-0250

Without any teaching or suggestion relating to “packetizing and aggregating separate voice, data and video traffic streams from the customer into a single traffic stream” as defined by claim 11, applicants assert that the cited Britz reference (with or without the teaching of Girard) cannot be found to render obvious the subject matter of the present invention. Applicants thus respectfully request the Examiner to reconsider this rejection and find claims 11-16 and 18 to be in condition for allowance.

35 USC § 103(a) Rejection – Claim 17

Claim 17 was rejected under 35 USC 103(a) as being unpatentable over Britz (as applied to claim 11, above), in further view of US Patent 6,798,740 (Sevevirathne). The Examiner cited Sevevirathne as teaching the use of STM standards. Applicants assert, however, that the combination of Britz and Sevevirathne still lacks any teaching of “packetizing and aggregating separate voice, data and video traffic streams from the customer into a single traffic stream”, required by independent claim 11 (from which claim 17 depends). Without this teaching, applicants assert that claim 17 remains patentable over the cited combination of references and respectfully request the Examiner to reconsider this rejection and find claim 17 to be allowable.

35 USC § 103(a) Rejection – Claim 19

Lastly, the Examiner rejected claim 19 under 35 USC 103(a) as unpatentable over Britz (as applied above), in further view of US Patent 5,481,718 (Ryu), where Ryu was cited by the Examiner as teaching the use of the ATM protocol. In response, applicants assert that the combination of Britz and Ryu still lacks any teaching of “packetizing and aggregating separate voice, data and video traffic streams from the customer into a single traffic stream”, required for supporting a rejection of independent claim 11 (from which claim 19 depends). Thus, applicants believe that claim 19 remains patentable over the cited combination of references and respectfully requests the Examiner to reconsider this rejection and find claim 19 to be in condition for allowance.

FEB 05 2009

Akinpelu 2003-0250

Applicants believe that the case, in its present form, is now in condition for allowance and respectfully request an early and favorable response from the Examiner in that regard. if for some reason or other the Examiner does not agree that the case is ready to issue and that an interview or telephone conversation would further the prosecution, the Examiner is invited to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,
Akinwale Akinpelu et al.

By: Wendy W. Koba
Wendy W. Koba
Reg. No. 30509
Attorney for applicants
610-346-7112

Date: February 5, 2009